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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,214	06/27/2001	Hideki Inomata		4819
2292	7590	04/19/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			VO, TUNG T	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			2613	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/894,214	INOMATA ET AL.	
	Examiner Tung Vo	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 December 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5,21,22 and 28-33 is/are pending in the application.
  - 4a) Of the above claim(s) 6-20 and 23-27 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5,21,22 and 28-33 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-6, 21-22, 28-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi (US 6,466,625) as set forth in the previous Office Action dated 09/27/2004 and the discussion follows.

Re claims 1-6 and 21-22, Kobayashi discloses all claimed limitations as set forth in the previous Office Action dated 09/27/2004. Moreover, Kobayashi discloses the pre-filter control information storage circuit 26, fed with the block address mb current of the current small block

and the motion vector MV of the current small block, reads out the filter coefficient k\_ref (2) and k\_ref (3), as parameters for specifying the pass-band limitations of the low-pass pre-filters used in the small blocks of the future reference picture and the past reference picture, referred to in the inter-frame prediction of the current small block, and the filter coefficient k\_ref (4) as a parameter specifying the pass-band limitations of the low-pass pre-filter used by the small block *at the same spatial position as the temporally neighboring picture*, to send the read-out filter coefficients to a interpolation circuit (48 of fig. 17) so Kobayashi clearly anticipates converting a picture data format based on coding difficulty information using at least temporal conversion (col. 14, lines 57-62, e.g. temporally/spatially different low-pass band can be produced by low-pass filter, indicating the temporal conversion is used).

Re claims 28-31, Kobayashi further discloses wherein said converting includes converting the picture data format based on coding difficulty information using both said temporal conversion and spatial conversion (col. 15, lines 58-64, e.g. pre-filtering characteristics of the small block under current encoding are set by interpolation based on the pre-filtering control information of the small blocks in the same spatial positions of the temporally previous and temporally succeeding p-pictures, both spatial conversion and temporal conversion are used).

Re claims 32-33, Kobayashi discloses a method for coding a picture, comprising: determining coding difficulty information from input source picture data (46 of fig. 17); converting a picture format of the source picture data (23 of fig. 17); encoding picture data converted by the picture conversion unit (24 of fig. 17); and controlling the converting of the picture format based on the coding difficulty information using at temporal conversion (26, 28,

and 48 of fig. 17, e.g. there will be produced small blocks having temporally/spatially different low-pass bands ); controlling the encoding based on conversion information determined from said converting (48 of fig. 17).

***Response to Arguments***

3. Applicant's arguments filed 12/08/2004 have been fully considered but they are not persuasive.

The applicant argued that Kobayashi makes completely no mention of using temporal conversion as claimed, page 5 and 6 of the remarks.

The examiner strongly disagrees with that applicant. It is submitted that Kobayashi teaches the moving picture encoding circuit according to a third embodiment of the present invention, shown in FIG. 17, is so constructed that, in determining the filtering characteristics for pre-filtering the moving picture signals, subjected to inter-frame predictive encoding, the frame of the input moving picture signal S30 being encoded is split into plural small blocks, each made up of at least one pixel, the picture being encoded is checked as to whether or not it is a picture of filtering characteristics or a non-filtering characteristics and not only the pre-filtering information of the current small block but also the pre-filtering control information used in the small block referred to in the inter-frame prediction and the pre-filtering control information used in the small block at the spatially same position of the temporally neighboring picture are simultaneously taken into consideration. This means the temporal conversion used for the spatial conversion (ST 44 of fig. 20 and ST64 of fig. 22). In view of the discussion above, Kobayashi clearly anticipates the claimed invention.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2613

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tung Vo  
Primary Examiner  
Art Unit 2613